

Permit Approval Conditions Document

Clearing and Grading Conditions

Permit Number: L98G0231 Revision Number: L01RE060

This permit is to authorize operation of a new sand and gravel mine with associated sand and gravel processing, and future concrete and asphalt production. The permit conditions and approved plans derive from the environmental review of the project completed under the auspices of the State Environmental Policy Act (SEPA) as well as review associated with the issuance of this grading permit.

Cadman, Inc., applied for a grading permit on land owned by Weyerhaeuser Co. and leased to Cadman on October 23, 1998. The proposal was to mine gravel at a site located north of Interstate 90 and west of 468th. Processing facilities would be established after mining at the lower portion of the site. Raw materials from the upper portion of the site would be transported to the processing area via a conveyor. At the end of the project, the reclaimed mined areas would be donated to public ownership with the requirement that the reclaimed mining site remain as forest land in perpetuity. With its application, Cadman agreed to a Determination of Significance in accordance with the procedures of Washington State SEPA rules, and King County Environmental Procedures. King County as lead agency, immediately selected an environmental consultant and began the process to prepare and issue an environmental impact statement.

The Draft Environmental Impact Statement (DEIS) was issued June 15, 2000. A Final Environmental Impact Statement (FEIS) was issued December 19, 2001. The state of Washington granted coverage to the Cadman facility under Department of Ecology's Sand and Gravel General permit, which is issued under the National Pollution and Discharge Elimination System (NPDES) program. Coverage was granted with accompanying Administrative Orders on May 30, 2002. The specific conditions contained in the Order are essentially the conditions outlined as mitigation in the FEIS document. Opposition groups appealed the decision to issue the NPDES permit to the state Pollution Control Hearing Board (PCHB) naming King County as a respondent. The appeal has not concluded.

During the review of the detailed grading and drainage plans submitted to King County in support of the grading permit, opposition groups detailed inconsistencies in the noise section of the FEIS. King County researched these problems and adopted an Addendum to the FEIS on March 3, 2003 that clarified details in the Noise section of the document.

The project is planned to occur in phases, beginning with pre-excavation work at the lower site portion of the site and ending with reclamation of both the lower and upper portions of the site. Grading permit review and approval will also follow a phased approach. The plans submitted for review and approval for the grading permit include the conceptual plans for lower and upper portions of the site, zoning and land ownership for the project, and locations of sensitive areas. Detailed plans and information was supplied for the initial mining and construction phases at the lower pit portion of the project, along with monitoring plans that are applicable to most phases and locations of the project. Revisions to the grading permit will be required for mining or construction beyond that showed in the current detailed approved plans. Revisions will be necessary for construction of asphalt and concrete processing facilities. Each revision will be reviewed to the standards set in the FEIS. If the permittee changes the proposal and King County believes the changes are likely to cause new or increased significant adverse environmental impacts not evaluated in the FEIS, the County may require additional environmental analysis. Further review may result in an addendum to the FEIS or a Supplemental EIS.

The approved plans for the grading permit were reviewed to and are consistent with the following King County Codes and administrative rules: K. C. C. 9.04 – 9.12, Surface Water Management and Water Quality, the 1998 Surface Water Design Manual, K. C. C. 16.82, Grading, K. C. C. 21A.22, Mining section of the Zoning Code, K.C. C. 21A.08, Permitted Uses sections of the Zoning Code, K. C. C. 21A.16, Land Use Development Standards, K. C. C. 21A.24, Sensitive areas section of the Zoning Code, Title

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12, specifically sections 12.86 through 12.100 that refers to noise control in the county, and Title 14 King County Road Standards. Additional conditions were derived from mitigation required from environmental review of the preferred alternative. Specific environmental elements analyzed for environmental impacts were: Soils and Geology, Air Quality, Noise, Water, Plants and Animals, Energy, Land Use, Historic, Cultural and Archaeological Resources, Recreation, Aesthetics, Light and Glare, Public Services and Utilities, Transportation, and Environmental Health. The proposed mine also is required to apply for and receive approval for an NPDES permit from State Department of Ecology, the Surface Mining Reclamation Permit from the State Department of Natural Resources and New Source Construction registration from Puget Sound Clean Air Authority prior to installation of regulated equipment.

The following conditions apply to the permit L98G0231 and its associated revision L00RE060. Conditions are imposed to meet King County codes and administrative rules and mitigation requirements enumerated in the Final Environmental Impact statement published December 19, 2001.

Dust

1. Permittee shall comply with all conditions and requirements of the Puget Sound Clean Air Agency (PSCAA).
2. This site may be located in a NO-BURN ZONE. Contact PSCAA at (206) 296-7435 for information.
3. Regulation I, Section 9.15 of Puget Sound Clean Air Agency does not allow the operator to cause or allow visible emissions of fugitive dust unless reasonable precautions are employed to minimize the emissions. The following measures to minimize or avoid fugitive dust from escaping the site shall be implemented. Additional mitigation may be required to meet PSCAA standards.
 - 3a. Processing plants will use a high pressure/low volume spray bar or other approved dust suppression methods to control fugitive dust.
 - 3b. Haul trucks will be loaded in a manner to provide sufficient freeboard to prevent the escape of dust from truck beds.
 - 3c. Operation will use conveyor systems to move materials from upper pit area to lower pit area.
 - 3d. A high moisture content will be maintained for stacked and/or stockpiled materials.
 - 3e. Drop heights on piles will be minimized.
 - 3f. During hauling operations, permittee shall provide effective dust control measures consisting of water, asphalt treated base, chemical dust palliatives, or equivalent measures to control dust from this operation (KCC 21A.22.070.C).
 - 3g. No clearing, grading, filling or excavation shall be allowed within a fifty (50) wide, naturally vegetated buffer around the perimeter of the lower portion and upper portion site project boundaries excluding that necessary for roadway access or storm drainage facilities. Location of the buffer may be moved relative to project impacts to make most effective buffer.
 - 3h. Access roads, asphalt and concrete batch plant yard areas will be paved prior to hauling or operation of processing facilities.
 - 3i. Land clearing debris on lower site will not be burned.
 - 3j. Aggregate piles will be stored in 3-sided bunkers where feasible.
 - 3k. All truck traffic leaving site will exit through a high pressure truck cleaning system. Truck wash will be constructed prior to hauling material off site.

4. Permittee shall be responsible for implementing all appropriate measures needed (i.e. paving, wet sweepers, and/or other techniques) to keep streets and roads used as haul routes for export or import of material clean and free from debris, mud, etc.

Groundwater Protection –Water Resources and Water Quality

5. Permittee shall comply with the Water Resources Monitoring Plan dated February 27, 2003 and approved by King County on March 7, 2003. A copy of this plan is attached to these conditions. Any modifications to this plan must be reviewed and approved by King County prior to implementation. The monitoring well required in the plan shall be drilled before the start of mining operations.
6. Excavation at the lower pit area shall be limited to a depth twenty (20) feet above the maximum seasonal ground water table except excavation over the eastern one third (1/3) of the proposed pit shall maintain a minimum depth of five (5) feet of undisturbed ground above the maximum seasonal ground water table.
7. A shallow piezometer shall be installed adjacent to the groundwater interception trench at the lower pit at a location approved by DDES when pit reaches an elevation within 20 feet of maximum seasonal ground water table. The water level shall be monitored once a week to confirm that the pit floor is maintaining a minimum 5 foot buffer zone above the water level.
8. In the event that an adequate buffer zone is not maintained, groundwater may be removed by pumping to the infiltration pond, where it will be returned to groundwater. If pumping is required, King County may require calculations to determine that the infiltration pond area is sufficiently sized for the pumped groundwater plus surface water.
9. If a five foot buffer zone cannot be maintained, operations should cease and equipment should be removed from any portion of the mine without a sufficient buffer zone.
10. The Water Resources Monitoring plan shall be modified to reflect additional mitigation requirements for construction of conveyor and upper pit area mining. Plans shall be reviewed and approved prior to start of construction for conveyor and upper pit clearing.
11. Stormwater runoff from the entire pit operation area will be routed to an infiltration pond or ponds for treatment and discharge designed in accordance with KCSWDM.
12. A National Pollutant Discharge Elimination System (NPDES) permit for surface water discharge is required for this project. King County will be notified of any modification or changes to the NPDES permit and provided copies of the new coverage.
13. Water level data and water quality data will be collected from the existing wells at the lower site, and from an additional proposed well to be completed prior to initiation of mining and from drainage facility ponds. Data will be collected according to the schedule outlined in the Water Resources Monitoring plan. Records of data and observations will be maintained at the site office and available to King County inspectors. A report summarizing the data and documenting any deviations from the plan will be prepared and sent to King County by February 15 of each year.
14. The permittee will provide a report within 18 months of issuance of the permit that will evaluate:
1.) Direction of groundwater flow at the lower pit area based on new data collected; 2.) Determine if additional groundwater monitoring wells are necessary for water quality protection and/or water level measurements to ensure adequate buffers are maintained; 3.) Make recommendations as to the

frequency and timing of additional monitoring beyond that required by the monitoring plan. The report will be provided to DDES for review and approval. No changes to the monitoring schedule proposed in the approved water resources monitoring plan will be allowed until the report is submitted and approved.

15. Spring and Stream flow data at the upper pit area will be collected for a period of at least five years according to the schedule and plan outlined in the approved Water Resource monitoring plan. Records of data and observations will be maintained at the site office and available to King County inspectors. A report summarizing the data and documenting any deviations from the plan will be prepared and sent to King County by February 15 of each year.
16. Spring water quality data at the upper pit area will be collected for a period of a least five years according to schedule and plan outlined in the approved Water Resource monitoring plan. Records of data and observations will be maintained at the site office and available to King County inspectors. A report summarizing the data and documenting any deviations from the plan will be prepared and sent to King County by February 15 of each year.
17. Water level data in existing wells completed in the shallow perched aquifer at the upper pit site will be collected over a period of five years according to schedule and plan outlined in the Water Resource monitoring plan. Records of data and observations will be maintained at the site office and available to King County inspectors. A report summarizing the data and documenting any deviations from the plan will be prepared and sent to King County by February 15 of each year.
18. DDES will be notified immediately of any significant discharge of water from the mining face.
19. The permittee will prepare and submit a contingency to provide high-quality water to Sallal Water Association in the event of water quality or water quantity impacts due to the gravel operation within three (3) months of the issuance of the permit.

Reclamation

20. A reclamation plan to satisfy requirements of the Washington State Surface Mining Act must be approved within 6 months of issuance of grading permit. A full copy of the approved permit with approved site plans and conditions will be provided to King County. Any changes or modifications of the reclamation plan will be provided to King County upon approval.
21. Permit areas shall be divided in segments for mining and reclamation. Segmental reclamation shall proceed according to timelines approved by Washington State Department of Natural Resources. Calculations and plans for stormwater management shall be required for each segment consistent with current stormwater drainage requirements.
22. A portion of the upper side slopes of the lower portion of the site shall be final graded, fertilized, seeded and planted with Doug Fir seedlings prior to commencing mining on the upper site.
23. Biosolids shall not be used to enhance soil characteristics on the lower pit area.
24. Only clean fill materials which have no rock or similar irreducible material with a maximum dimension greater than 18 inches shall be used as fill for construction or reclamation. Concrete without rebar and asphaltic concrete is allowed as fill except in areas of seasonal or continued perched groundwater adjacent to wetlands and surface waters. Prior to importation of any fill (including fill for berm construction) the operator shall develop a quality control and monitoring program to ensure compliance with this condition. Minimum plan design will determine critical data elements, data collection techniques, frequency of monitoring, data reporting, verification techniques to assure material is not contaminated, definition of clean fill, required operator

response to illegal fill and any other information or data necessary to comply with federal, state and local regulations and mitigation conditions of this threshold determination necessary to prevent significant environmental impact.

25. Concrete waste and asphalt waste can be temporarily stockpiled for the purposes of recycling and use in the manufacture of asphalt or concrete. The permittee shall provide plans showing provisions for the collection, treatment and disposal of surface water that it is in contact with stockpiles of concrete waste and asphaltic concrete prior to importation of asphalt and concrete. Review and approval for these provisions is under the conditions of the 1998 Surface Water Manual. Asphalt and concrete shall not be accepted as fill for construction of berms.
26. The following statement shall be recorded as a covenant on the property and shall not be changed without express permission in writing from DDES or its successor agency: "The fill placed upon this property may not be suitable for structural support. Prior to any future development, a geotechnical analysis shall be submitted to DDES addressing the suitability of the fill for structural support, seismic stability, and settlement."
27. If work is to be suspended for 30 or more consecutive calendar days, permittee shall notify the Grading Section prior to the cessation of work indicating their intention to do so and also prior to restarting operations.
28. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or slope erosion.
29. Upon the exhaustion of mineral or materials or the permanent abandonment of the quarrying or mining operation and/or processing, all buildings, structures, apparatus, or appurtenances accessory to the operation will be removed or otherwise dismantled to the satisfaction of the director.
30. All graded or backfilled areas shall be topsoiled and seeded or surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding and to a depth of at least 4 inches or a depth equivalent to that of surrounding areas, which is lesser.
31. All disturbed areas shall be planted with trees, shrubs, legumes, or grasses, and said flora shall be so selected to be indigenous to the surrounding area.
32. Excavations shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the director shall be constructed or installed if natural drainage is not possible.
33. Waste or spoil piles shall be leveled.

Traffic

34. The permittee shall receive authorization and begin construction on the following transportation mitigation measures within six months following the issuance of the grading permit. Operations shall cease if this requirement is not met.
 - a. Widen 468th Ave. SE to three lanes from the I90 eastbound ramps through the intersection of SE 146th /Seattle East Auto Truck Plaza driveway.
 - b. Install a traffic signal at SE 146th St. and 468th Ave. SE. Location of underground electrical components for signal must be established in conjunction with three lane widening project previously described. The applicant must purchase and provide all equipment necessary for

the approved design to King County's Traffic engineering Section. King County Road Services Division will assume responsibility for installation of the signal at a time that will be established pursuant the results of the yearly engineering study required in condition 50. The signal will be installed by King County when either any of the eight (8) warrants are met or the average delay to vehicle on the minor street during the AM or PM peak hours meets or exceeds 90 seconds analyzed as a signalized intersection or the County Traffic Engineer determines it to be to the benefit of the general public to do so.

- c. A truck turning template analysis in the southeast corner of the intersection of 468th Ave. SE and SE 146th St. shall be performed in conjunction with the widening to three lanes design.
 - d. Complete installation of an 8-foot-wide paved shoulder along 468th Ave. SE from I-90 ramps to SE North Bend Way.
 - e. Improve signs and pavement marking at existing crossing locations on 468th Ave. SE and SE 146th St.
 - f. Install continuous illumination from I-90 Exit 34 through the required channelization improvements along 468th Ave. SE.
35. Prior to implementation of the mitigation listed above and prior to hauling of material from the pit area, the applicant shall develop and submit an interim traffic control plan to the Traffic Engineer. No material may be hauled from the site until the permittee receives approval from the King County Traffic Engineer.
 36. Trucks shall enter and exit the lower pit area solely via SE 146th St. and 468th Ave. SE between SE 146th and the I-90 Exit 34 ramps. Except for local deliveries, truck shall not use North Bend Way or proceed north on 468th Ave. SE. Direct access using any other entrances to the lower pit area will be limited to access for emergency use, passenger vehicles and light trucks.
 37. Any damage to pavement edges, sidewalk, curb and gutter, etc., resulting from operations authorized by this permit shall be repaired immediately.
 38. To prevent tracking of mud and rocks onto King County roads and to comply with RCW 46.61.665(4), permittee shall install a high pressure truck wash facility which is capable of cleaning wheels and tires, prior to hauling material from the lower pit area.
 39. Permittee shall be responsible for implementing all appropriate measures need to keep streets and roads swept and clean during construction and operations. Particularly on SE 146th St. and 468th Ave. SE between SE 146th St. and the I-90 ramps (eastbound and westbound). Road washing is not allowed.
 40. The permittee shall apply for and receive a haul road agreement from King County Department of Transportation prior to hauling material from the lower pit area site. A copy shall be forwarded to DDES.
 41. The permittee will provide DDES an updated operational analysis and traffic impact analysis every five years from the issuance of the permit as part of the periodic review required by mine sites in King County. The analysis will be reviewed by the King County Department of Transportation, Traffic Engineering Section as well as the Washington State Department of Transportation. Alternative mitigation measures may be required subsequent to the review.
 42. A traffic engineering study shall be submitted annually by the applicant to the King County Department of Transportation, Traffic Engineering Section for a maximum of five years. The study

shall include a warrant analysis considering the eight (8) warrants defined in the Manual of Uniform Traffic Control Devices (MUTCD) 2000 Millennium Edition. The study shall also include a gap study, safety study and conflict study. In addition to the data necessary to determine if any of the eight (8) warrants are met, the following data shall be provided as part of the engineering study:

- a. Vehicle-hours of stopped time delay determined separately for each approach to be consistent with the Peak Hour Warrant.
- b. The number and distribution of acceptable gaps in vehicle traffic on the major street for entrance from the minor street.
- c. The 85th – percentile speed on controlled approaches at a point near to the intersection but unaffected by the control.
- d. Queue length on stop controlled approaches.
- e. Average delay to vehicles on the minor street during the one hour AM and PM peak period.
- f. Trip reduction during the AM or PM peak period.

Aesthetics, Light and Glare

43. All outdoor and security lights will be shielded with top clad plates and focused downward to avoid glare onto surrounding areas. Lighting and lighting fixtures will meet the specification of the U.S. National Park Service Interim Design Guidelines for Outdoor Lighting.
44. Lighting shall be limited to that required for security, lighting of structures and equipment, employee safety, lighting of processing areas and vehicle operations and not direct glare onto surrounding properties.
45. The maximum height of any lighting fixture or pole will be 50 feet except that no lights on mining or processing equipment may be allowed above the elevation of the pit wall plus the height of the berms surrounding the wall.
46. The proposed conveyor will be enclosed in a low-reflective, natural-colored material to minimize visual and glare impacts.

Noise

47. All work shall comply with the provisions of King County Ordinance 3139, relating to noise control and the associated Code sections 12.86-12.100. The following mitigation measures were identified during environmental review and shall be implemented to ensure compliance with the noise ordinance.
 - 47a. Maintain a low speed limit below 25 mph within the lower pit area and out to 468th Ave. along the King County Right of Way .
 - 47b. Prior to reaching final depth at the lower pit area, processing equipment will follow Best Management Practices to comply with K. C. C. 12.86-100. Examples of BMP's include 1.) enclosing grizzly screen(s) within an enclosure; 2.) Install barriers around the jaw crusher(s) or enclose crusher(s).
 - 47c. Conveyors will be used where possible to transfer material from mining face to reduce truck and equipment noise.

- 47d. Use rubber screens where possible on the scalping screen and processing plant.
 - 47e. Install noise barrier around the noisiest elements of the primary jaw crusher and grizzly screens and other noisy parts of processing plant as needed to comply with King County noise regulations.
 - 47f. During hours of darkness strobe lights shall be used rather than back up beepers.
 - 47g. Standard acoustic back up alarms should be replaced with background noise-sensitive alarms.
 - 47h. Equipment shall be regularly maintained to ensure minimize squeaks and squeals of machinery and vehicles.
48. Hours of operation for initial construction and operation are limited to 7:00 AM to 10:00 PM Monday through Friday and 9:00AM to 10:00PM Saturday and Sunday. No pre-positioning of equipment or queuing on King County Right of Way (ROW) prior to start time is permitted. Maintenance of equipment is permitted from 6:00AM through 10:00PM, Monday through Saturday, provided that the night time maximum permissible sound levels of KCC 12.88.030 are not exceeded prior to 7:00AM Monday through Friday, and prior to 9:00AM on Saturday. The short-term exceedences permitted by KCC 12.88.030C shall not be permitted for maintenance activities prior to 7:00AM and 9:00 AM respectively, and all maintenance activities prior to 7:00AM and later than 7:00PM shall be conducted inside of fully enclosed structures.
49. Any changes to hours of operation will require environmental review.
50. Additional noise mitigation measures may be required to avoid significant adverse environmental impacts and comply with King County Noise regulations. An independent noise-monitoring plan will be developed and implemented prior to the issuance of permit. The Environmental Noise Monitoring plan dated February 27, 2003 and approved by King County is adopted for compliance with this condition. A copy of this plan is attached to these conditions. Any modifications to this plan must be approved by King County prior to implementation.
51. Sound level measurements as per the approved monitoring plan will be taken 6 times the first year of operation and may be reduced to 4 per year after the initial year.
52. The north berm shall be constructed prior to export of sand and gravel from site. The initial berm dimensions for stage 1 and stage 2 of initial pit development are approved as per plans submitted 8/30/02 and attached to grading plan Sheet C-4. Plan and schedule for expansion and final design of the berms are shown on Sheet C-4 of approved grading plans dated 2/19/03 and approved 3/3/03.
53. The primary crusher shall be restricted from use at the Lower portion of the site until the final grade depth is reached or a minimum depth of 20 feet is reached.
54. Noise from traffic on public roads is exempt from the noise limits of King County Code Chapter 12.88 and generally from regulation by local government. If nighttime trucking operations occur, an hourly Leq interior noise level of 45 dBA or lower shall be maintained during nighttime hours (10- p.m. to 7 a. m.) in the sleeping quarters of the four northern rooms of the Edgwick Inn. If long term permanent noise reduction or noise control measures can be implemented with mutual agreement between operator and Edgwick Inn and approval of measures by King County, this standard may be waived. If the noise measurements indicate that levels due to Cadman off-site trucking operations exceed the criteria specified in Section d, off-site trucking during nighttime hours (10 p.m. to 7 a.m.) will cease until effective noise control measures have been implemented. Cadman and King County will discuss appropriate noise control measures at the Edgwick Inn site or within abutting right-of-way which could include constructing a noise barrier along the north

side of the Edgewick Inn parking lot. In order to implement this monitoring program, Cadman will require cooperation from the owners of the Edgewick Inn to perform some aspects of the noise monitoring and reduction activities. If the owners of the Edgewick Inn choose not to cooperate in these efforts, Cadman will use its best efforts to accomplish the goals set forth in this section by measures that can be taken completely on public property and such measures will be deemed to satisfy the goals of this section.

Slope stability/Geotechnical

55. Slopes within the lower portion of the site will not be cut steeper than an angle of 2 horizontal to 1 vertical (2H:1V) unless approved by King County.
56. No surface water drainage features will be constructed within 200 feet of naturally occurring steep slopes outside of the slopes within the pits walls.
57. Subsurface conditions in and near the silty layer found approximately at and below the 650 foot elevation shall be evaluated by a licensed engineer when the layer becomes exposed by excavation. The measures are to reduce risk both of off-site impacts and in-pit impacts from potential slope failures. Copies of the inspection reports will be provided to DDES, along with any proposed mitigation measures, within 2 weeks of inspections.
58. Noise screening berms shall be constructed as per supplemental geotechnical analysis report, dated October 16, 2002 and approved by King County 3/3/03.
59. Slope stability near Bonneville Power Administration (BPA) towers will be evaluated and approved according to BPA requirements six months prior to excavating within 100 feet of the base of the towers. If unfavorable slope conditions are identified during mining or by inspections by professional engineering geologist or geotechnical engineer, appropriate mitigation measures will be implemented.
60. The lower portions of the site is located in an area identified as a seismic hazard area. All structures and slopes will be evaluated in accordance to Uniform Building Code and current engineering standards of King County.
61. The stormwater and groundwater infiltration system for the upper portion of the site shall be designed to reduce groundwater flows toward the steep slopes above the Homestead Mine and to steep slopes along the Snoqualmie River.

Erosion Control

62. The erosion and sediment control (ESC) plan dated July 3, 2002 and approved by King County on March 3, 2003 is adopted for compliance with The KC SWDM Core Requirement #5 which requires that the permittee will prevent to the maximum extent possible, the transport of sediment from the project to water resources. A copy of this plan is attached to these conditions and permittee shall comply with plan. Any modifications to this plan must be reviewed and approved by King County prior to implementation. Grading permit conditions may supersede or modify portions of the plan.
63. Temporary erosion and sediment controls shall be inspected on a daily basis and continually adjusted to mitigate for changing conditions.

64. Permanent erosion and sediment controls shall be inspected and maintained on routine, scheduled basis as outlined in the ESC plan. Written maintenance reports will be kept and be available on site for review throughout the duration of the project.
65. Turbidity caused by construction activities from this project and discharged to surface waters of the U.S. shall not exceed Washington State water quality standards.
66. In the event that the permittee encounters areas needing de-watering that have not been indicated on the approved plans, work, except for erosion control as needed to remedy unforeseen water quality problems, shall not commence nor continue until a de-watering plan has been approved by King County DDES.
67. Approval of this erosion/sedimentation control (ESC) plan does not constitute an approval of permanent road or drainage design (*e.g.* size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).
68. The implementation of these ESC plans and the construction, maintenance, replacement, and upgrading of these ESC facilities is the responsibility of the permittee until project is complete.
69. The ESC facilities shown on this plan must be constructed in conjunction with all clearing and grading activities, and in such a manner as to ensure that sediment-laden water does not enter the drainage system or violate applicable water standards. (KCC 9.04.090, KCC 9.12.025.)
70. The ESC facilities shown on this plan are the minimum requirements for anticipated site conditions. During the construction period, these ESC facilities shall be upgraded (*e.g.* additional sumps, relocation of ditches and silt fences, etc.) as needed for unexpected storm events.
71. The ESC facilities shall be inspected by the permittee and maintained as necessary to ensure their continued functioning.
72. The ESC facilities on inactive sites shall be inspected and maintained a minimum of once a month or within the 48 hours following a storm event.(
73. Any permanent retention/detention facility used as a temporary settling basin shall be modified with the necessary erosion control measures and shall provide adequate storage capacity. No underground detention tanks or vaults shall be used as a temporary settling basin.
74. Where seeding for temporary erosion control is required, use the standard set forth in the current King County Surface Water Design Manual.
75. Where straw mulch for temporary erosion control is required, it shall be applied at a minimum thickness of 2 inches.
76. Temporary sediment control facilities shall be constructed in accordance with the details shown. Temporary sediment control facility locations may be moved to suit field conditions subject to approval of the engineer and applicable governmental agencies.
77. All ponds and ditches and other erosion-sedimentation facilities shall be maintained in good working condition throughout construction.
78. Surface water collected from disturbed areas of the site shall be routed through a sediment pond or trap prior to release from the site. An exception is for areas at the perimeter of the site with drainage areas small enough to be treated solely with perimeter protection. Sediment retention facilities shall be installed prior to grading of any contributing areas.

79. All surface water from disturbed areas shall be intercepted, conveyed to a sediment pond or trap, and discharged down slope of disturbed areas. An exception is for areas at the perimeter of the site with drainage areas small enough to be treated solely with perimeter protection. Surface water flows shall be intercepted concurrently with or immediately following rough grading.
80. The erosion and sedimentation control systems depicted on this drawing are intended to be minimum requirements to meet anticipated site conditions. As construction progresses and unexpected or seasonal conditions dictate, the permittee should anticipate that more siltation and sedimentation control facilities will be necessary to ensure complete siltation control on the proposed site. During the course of construction, it shall be the obligation and responsibility of the permittee to address any new conditions that may be created by his activities and to provide additional facilities over and above minimum requirements as may be needed to protect adjacent properties and water quality of the receiving drainage system.
81. Permittee shall inspect the TE/SCP facilities to assure that they are in good condition. If TE/SCP facilities require repair or maintenance, it shall be performed prior to the end of the working day. All disturbed areas shall be promptly and thoroughly stabilized against erosion during periods of wet weather when work is not being performed at the site.
82. Permittee is totally responsible for the installation and maintenance of the TE/SCP facilities noted on the plan and for bringing to the attention of the Owner/Engineer new conditions which may be addressed by these plans. The Contractor shall be held liable for all damages which may result from misimplementation of this plan or neglect of changing conditions.

Historic, Cultural and Archaeological

83. All operations shall comply with the "Cultural Resource Plan for Operation Of the Cadman, Inc. North Bend Gravel Operation Near North Bend" dated **July 2002** and approved by King County on **October 7, 2002**. A copy of this plan is attached to these conditions. Any modifications to this plan must be reviewed and approved by King County prior to implementation.

Plants and Animals

84. Land within the project boundaries not disturbed by mining or approved mining-related activities shall be actively managed to protect impacts to plants and animals. The following best management practices shall be followed to improve habitat and prevent unnecessary impacts during mine operation:
 - 84a. Clearing of pole forest and early mature forest should not occur during the nesting season from April 1 to June 30 of each year.
 - 84b. Land not in use for the mining phase shall be protected from casual use by the mining operation or the public through the use of fencing, road configuration, signage, and other measures. The operator shall restrict use of non-mining portions of the project for stockpiling or as casual haul routes or equipment yards as much as feasible.
 - 84c. The operator shall mine the upper portion of the site in 50 acre segments, continuously reclaiming mined segments in accordance with standards of the Washington state Surface Mining permit.

Land Use

85. The area within the project boundaries and the land immediately surrounding the majority of the project boundaries is within Forest Production District. Mining is permitted with the Forest Production District when managed to be compatible with forest management. The mining plan will temporarily convert forest land to mining. As mining is performed each completed segments shall be reclaimed, replanted with Douglas fir trees for future forestry use. No permitted uses on the site will be permanently foreclosed.
86. Consistent with the Memorandum of Understanding (MOU), future uses of the site will be limited to forestry or open space. The MOU is attached to this permit.
87. The current (March 2000) King County Zoning Code designation for the site is zone (Forest). Mining activities are permitted outright on Forest lands if mining is more than ¼ mile from an established residence and do not use local access streets that abut lots developed for residential use (K.C. C. 21A.08.090 (B)(9)). Any mining activity within the ¼ setback shall require a Conditional Use Permit (CUP). For the purposes of the K.C. C. 21A.08.090 (B)(9), King County has determined that the residential accessory structure on the Lu property is an established residence and any mining activity within ¼ mile of the residence would require a Conditional Use Permit. For the purpose of K.C. C. 21A.08.090 (B)(9), CUP approval is not required for the placement of those structures that do not play an active role in the mineral excavation or processing operation or generate mining activity which the CUP is intended to address. The approved plans dated 2/19/03 and approved by King County 3/05/03 do not show any mining activity with the ¼ mile setback.

General Requirements

88. Warning signs shall be placed around the lower portion of the site consistent with KCC 21A.22.060.D.
89. A copy of the approved plans, conditions, and permit must be on the job site whenever construction is in progress.
90. The boundaries of the clearing limits shown on this plan shall be clearly flagged in the field prior to construction. No clearing or grading shall take place until these limits are approved in the field by DDES staff. During the construction period, no disturbance beyond the flagged clearing limits shall be permitted. The flagging shall be maintained by the permittee for the duration of construction.
91. Permittee shall provide the name of a responsible person or agent who can be contacted 24 hours a day.
92. Blasting is not allowed. Blasting can be allowed following environmental study and review.
93. This grading permit approval does not include review and approval of certain elements of future project expansion whose environmental impact was analyzed in the FEIS. These elements include asphalt and concrete batch plants, conveyor belt design and construction, detailed grading and drainage plans for upper portion of site and other elements not contained in plans approved by King County 3/5/03. Revisions to the grading permit will be required for mining or construction beyond that showed in the current detailed approved plans. Each revision will be reviewed to the standards set in the FEIS. If the permittee changes the proposal and King County believes the changes are likely to cause new or increased significant adverse environmental impacts not evaluated in the FEIS, the County may require additional environmental analysis.

94. The area of disturbance shall be limited to that shown on the approved plans dated 02/19/2003 and approved by King County 03/03/2003. The plans will be used to determine that the site is operating consistent with the most current standards. A copy of the approved plans, conditions and permit must be on the job site whenever work is in progress. King County may require additional plans or surveying to determine that a site is operating consistently within approved limits.
95. You must call 1-800-424-5555 not less than 48 hours before beginning excavation where any underground utilities may be located. Failure to do so could mean bearing substantial repair costs (up to three times the cost of repairs to the service).
96. No additional filling and/or excavation beyond that showed on approved plans is authorized under this approval.
97. Failure to comply with any of the conditions contained within this permit shall be immediate cause for suspension of the permit and fines and penalties pursuant to King County Code Title 21A, and 23 and Chapters 9.04, 9.12, and 16.82.
98. This property is within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. This notice is required by K.C.C. 20.20 (Ordinance 12273) and RCW 36.70A.060.
99. Periodic review of the mining and processing operation shall be conducted at least every 5 year (K.C.C. 21A.22.050). The periodic review shall be used to determine if the site is continuing to operate consistent with the most current standards and to establish other conditions as necessary to mitigate identifiable environmental impacts.
100. The permittee shall be responsible for all costs associated with the review and/or inspection of this permit by responsible department staff. These costs shall be in accordance with the fees set forth in King County Title 27. Failure to remain current with fee balances may be cause for suspension or revocation of the permit.

Other Requirements

I have read the attached conditions of approval and understand that failure to comply with all conditions set forth herein may necessitate an immediate work stoppage until such time as compliance with the stipulated conditions is attained. I certify that I have made a diligent inquiry regarding the need for concurrent state or federal permits to engage in the work authorized by this permit and no such permits are required or I have obtained the required permits. I understand that the granting of this permit shall not be construed as satisfying the requirements of other applicable Federal, State, or local laws or regulations. In addition, I understand and agree that this permit does not authorize the violation of the Endangered Species Act as set forth at 16 U.S.C. §§ 1531-1543, including the prohibition on the “take” of threatened or endangered species. “Take” is defined at 16 U.S.C. §§ 1532(19). I fully understand that it is my sole responsibility to determine whether such “take” restrictions would be violated by work done pursuant to this permit, and I understand that I am precluded by Federal Law from undertaking work authorized by this permit if that work would violate the “take” restrictions set forth at 16 U.S.C. §§ 1538, 50 C.F.R. §§ 17.31, 50 C.F.R. §§ 223 and 50 C.F.R. §§ 224.

Signed:	Date:
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